

ORDINANCE 2017-23

TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTERS 2 AND 3 AND 8 OF THE ZONING ORDINANCE OF THE CITY OF FRANKLIN, TENNESSEE, TO ALLOW LIMITED DEVELOPMENT IN THE FLOODWAY FRINGE OVERLAY DISTRICT (FFO) WITHIN CERTAIN CENTRAL FRANKLIN CHARACTER AREA OVERLAY DISTRICTS (CFCO-1 and CFCO-2).”

WHEREAS, the City and the City’s consultant, Barge Waggoner Sumner & Cannon, completed a Riverfront Planning Study along the Harpeth River in Downtown Franklin to identify the community’s vision for a Riverwalk and opinions about development within the 100-year floodplain; and

WHEREAS, the study results found broad support for a Riverwalk along the River in a natural setting and the majority did not support additional development within the 100-year floodplain; and

WHEREAS, the Franklin Zoning Ordinance does not allow new development within the 100-year floodplain except in very limited geographic locations, but it does allow floodplain alteration with compensatory cut-and-fill to remove land from the floodplain; and

WHEREAS, this area provides a unique opportunity to enhance the role of the Harpeth River in Downtown Franklin; and

WHEREAS, the City’s general plan, *Envision Franklin*, states that open space along the Harpeth River should be integrated into the downtown core, while also defining an on-site edge of the downtown core; and

WHEREAS, *Envision Franklin* states that development should be designed around conservation areas to highlight them as community amenities with pedestrian and bike systems that will connect the entire conservation design concept throughout the city; and

WHEREAS, some properties in this area had developed prior to Federal or local floodplain regulations but have lost their legally nonconforming use rights in the FFO; and

WHEREAS, this Zoning Ordinance text amendment provides additional development rights along the edges of the FFO within certain development limits without requiring compensatory cut-and-fill, while preserving the remainder of the natural floodplain and native vegetation that define an on-site edge of the downtown core and while preserving most of the ten-year flood zone; and

WHEREAS, these development limits take into account the Riverfront Planning Study preliminary engineering findings for where compensatory cut-and-fill could potentially occur; and

WHEREAS, this Zoning Ordinance text amendment to amend the CFCO-1 and CFCO-2 Standards is in the best interest of the citizens of Franklin.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That Chapter 3, Section 3.5.6, of the Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, and is approved to read as follows:

(b) CFCO-1 Standards

(i) Applicability ...

In cases of conflict between this Subsection and Section 3.4.5, Floodway Fringe Overlay District, the regulations of this subsection shall apply.

...

(xv) Development within the FFO

A.) Development Limits

1. Development and/or redevelopment shall be permitted along the edges of the FFO within these defined Development Limits: In no case, shall the maximum encroachment into the FFO be closer to the Harpeth River than the existing elevation contour of 630 feet above sea level prior to any modification of floodplain, or the riparian buffer as required by the Stormwater Management Ordinance, or the outer boundary of the FWO, whichever is most restrictive.

2. Within the Development Limits, development and/or redevelopment shall be permitted in accordance with this Subsection, Traditional Development standards, and Floodplain Protection standards. Associated grading shall be approved only as part of a Site Plan for development. All Site Plans, including mass grading, shall be submitted to the FMPC for review.

B.) Uses and Standards

1. Within the Development Limits, use types in the applicable base zoning district shall be permitted, except for the following uses which shall be prohibited: assisted living facilities, correctional facilities, hospitals, nursing/convalescent homes, bed and breakfast establishments, hotels, boutique hotels, and residential uses.

2. Buildings shall face both the street and multi-use path, with pedestrian gathering spaces located along the multi-use path.

3. Beyond the Development Limits, new uses/encroachments shall be in accordance with Section 3.4.4, FWO District, or 3.4.5, FFO District, whichever is applicable, except for the following use which shall be prohibited: floodplain alteration not associated with public or private infrastructure.

4. CFCO-1 within the FWO or FFO shall meet the Open Space Standards, LSR, and Tree Canopy Retention standards in Chapter 5, Development Standards per the applicable Base Zoning District, and shall not be otherwise exempted by any other referenced CFCO-1 exemption.

C.) Multi-Use Path

- 1. A public multi-use path shall be located along the Harpeth River with pedestrian access points to E. Main Street and 1st Avenue South and North.**
- 2. Paths shall have a minimum width of 12 feet. The width may be reduced to 8 feet in portions of the path to minimize disturbance to native vegetation or environmental constraints.**

SECTION II. That Chapter 3, Section 3.5.6, of the Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, and is approved to read as follows:

(c) CFCO-2 Standards

(i) Applicability

...

In cases of conflict between this Subsection and Section 3.4.5, Floodway Fringe Overlay District, the regulations of this subsection shall apply.

...

(xv) Development within the FFO

A.) Development Limits

- 1. Development and/or redevelopment shall be permitted along the edges of the FFO within these defined Development Limits: In no case, shall the maximum encroachment into the FFO be closer to the Harpeth River than the existing elevation contour of 630 feet above sea level prior to any modification of floodplain, or the riparian buffer as required by the Stormwater Management Ordinance, or the outer boundary of the FWO, whichever is most restrictive.**
- 2. Within the Development Limits, development and/or redevelopment shall be permitted in accordance with this Subsection, Traditional Development standards, and Floodplain Protection standards. Associated grading shall be approved only as part of a Site Plan for development. All Site Plans, including mass grading, shall be submitted to the FMPC for review.**

B.) Uses and Standards

- 1. Within the Development Limits, use types in the applicable base zoning district shall be permitted, except for the following uses which shall be prohibited: assisted living facilities, correctional facilities, hospitals, nursing/convalescent homes, bed and breakfast establishments, hotels, boutique hotels, and residential uses.**
- 2. Buildings shall face both the street and multi-use path, with pedestrian gathering spaces located along the multi-use path.**

3. Beyond the Development Limits, new uses/encroachments shall be in accordance with Section 3.4.4, FWO District, or 3.4.5, FFO District, whichever is applicable, except for the following use which shall be prohibited: floodplain alteration not associated with public or private infrastructure.

4. CFCO-2 within the FWO or FFO shall meet the Open Space Standards, LSR, and Tree Canopy Retention standards in Chapter 5, Development Standards per the applicable Base Zoning District, and shall not be otherwise exempted by any other referenced CFCO-2 exemption.

C.) Multi-Use Path

1. A public multi-use path shall be located along the Harpeth River with pedestrian access points to E. Main Street and 1st Avenue South and North.

2. Paths shall have a minimum width of 12 feet. The width may be reduced to 8 feet in portions of the path to minimize disturbance to native vegetation or environmental constraints.

SECTION III. That Chapter 2, Section 2.4, Subsection 2.4.3 of the Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, and is approved to read as follows:

(2) Applicability

c.) Site Plans shall be submitted to the FMPC approval instead of administrative review by staff, if the development application:

...

(vi) **is for property located within the CFCO-1 or CFCO-2 Overlay Districts and within the FFO or FWO Overlay Districts. Mass grading shall only be approved as part of a site plan for development.**

SECTION IV. That Chapter 8, Section 8.3, of the Franklin Zoning Ordinance is hereby amended to remove the following text with a ~~strike through~~ and add the following text noted in **bold**, and is approved to read as follows:

8.3 Definitions and Use Classifications

...

Infrastructure, Public or Private

~~Public improvements for Facilities and services needed to sustain development and land-use activities including but not limited to water, sewer, drainage, stormwater management improvements, streets, sidewalks, and similar facilities.~~

...

SECTION V. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

BY: Eric S. Stuckey
Eric S. Stuckey
City Administrator

CITY OF FRANKLIN, TENNESSEE:

BY: Dr. Ken Moore
Dr. Ken Moore
Mayor

Approved as to Form:

Shauna R. Billingsley
Shauna R. Billingsley, City Attorney

PLANNING COMMISSION RECOMMENDED:

PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:

June 22, 2017

Aug 8, 2017

Sept 12, 2017

Sept 12, 2017

Sept 26, 2017

CFCO 1 AND CFCO 2
RIVERFRONT STUDY AREA
FRANKLIN MUNICIPAL PLANNING COMMISSION
6/22/17

CFCO-10

CFCO-9

CFCO-1

CFCO-6

CFCO-1

CFCO-2

CFCO-4

CFCO-3

6/22/2016 FMPC Meeting

2016 FEMA Flood Zones

Flood Way

Floodway

2016 FEMA Flood Zones

Flood Zone

Zone AE

Zone A

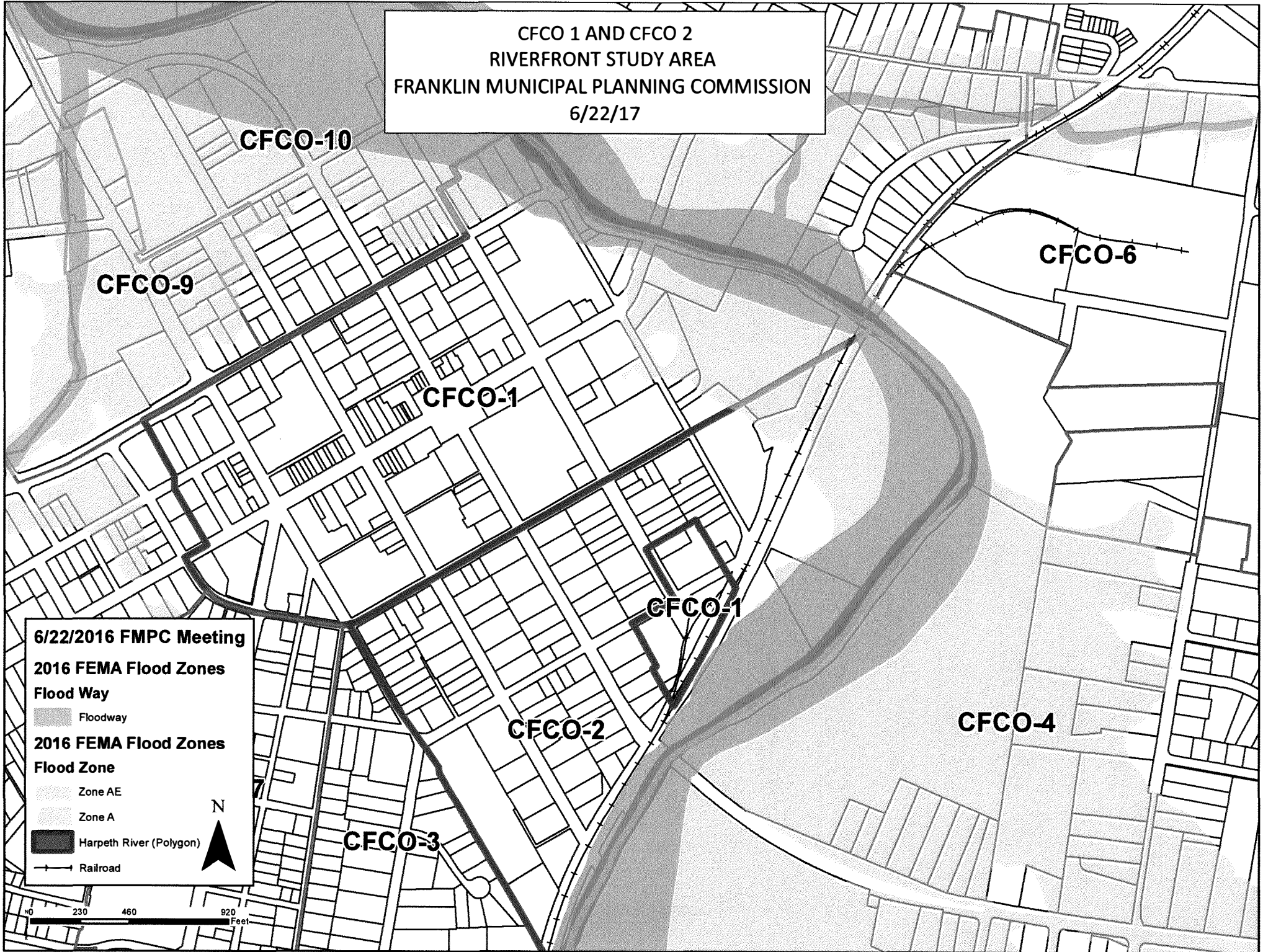
Harpeth River (Polygon)

Railroad

N



0 230 460 920 Feet



RESOLUTION 2017-35

A RESOLUTION BY THE FRANKLIN MUNICIPAL PLANNING COMMISSION TO ADOPT A PLAN AMENDMENT TO ENVISION FRANKLIN FOR PROPERTIES LOCATED IN DOWNTOWN FRANKLIN ALONG THE HARPETH RIVERFRONT.

WHEREAS, pursuant to *Tennessee Code Annotated* (T.C.A.) § 13-4-201, it is the function and duty of the Franklin Municipal Planning Commission (FMPC) to adopt an official general plan for the physical development of the City of Franklin; and

WHEREAS, the City adopted *Envision Franklin* on January 26, 2017, and it provides a framework for the City to make land-use decisions, manage the quality of development, determine the timing and location of future growth, and direct investment and development activity; and

WHEREAS, the FMPC may from time to time amend, extend or add to the plan, or carry any part of subject matter into greater detail; and

WHEREAS, these amendments generally result from special studies or because of changes within the market, infrastructure, a specific issue/policy change, changes in State law, or a substantial change in situation or public sentiment; and

WHEREAS, the City and consultant, Barge Waggoner Sumner & Cannon, completed a Riverfront Planning Study along the Harpeth River in Downtown Franklin that gathered community perspectives on Riverwalk opportunities and development in the 100-year floodplain; and

WHEREAS, the study results found broad support for a Riverwalk along the River in a natural setting and the majority did not support additional development within the 100-year floodplain; and

WHEREAS, this area provides a unique opportunity to enhance the role of the Harpeth River in Downtown Franklin; and

WHEREAS, *Envision Franklin* states that open space along the Harpeth River should be integrated into the downtown core, while also defining an on-site edge of the downtown core; and

WHEREAS, *Envision Franklin* states that development should be designed around conservation areas to highlight them as community amenities with pedestrian and bike systems that will connect the entire conservation design concept throughout the city; and

WHEREAS, this plan amendment provides additional development flexibility along the edges of the 100-year floodplain within certain development limits without requiring compensatory cut-and-fill, while preserving the natural floodplain and native vegetation that define an on-site edge of the downtown core and while preserving most of the ten-year flood zone; and

WHEREAS, these development limits take into account the Riverfront Planning Study preliminary engineering findings for where compensatory cut-and-fill could potentially occur; and

WHEREAS, this amendment, as depicted in the attachment(s), revises the Neighborhood Mixed Use Special Considerations for First Avenue, East Main Street, South Margin Street, and Bridge Street, and replaces Figure 4.4 Conceptual Plan with a new Conceptual Plan; and

WHEREAS, the FMPC held a public hearing and the Plan amendment to *Envision Franklin* is found to be in the best interest of the citizens of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Franklin Municipal Planning Commission of the City of Franklin, Tennessee, as follows:

SECTION I. That Envision Franklin shall be amended to include the Conceptual Plan and Neighborhood Mixed Use Special Considerations as described in the attachments.

SECTION II. A copy of the adopted amendment to Envision Franklin shall be certified to the Board of Mayor and Aldermen, as required by T.C.A. § 13-4-202.

SECTION III. That this Resolution shall take effect upon approval by the FMPC on June 22, 2017, the health, safety, and welfare of the citizens requiring it.

ATTEST:

**CITY OF FRANKLIN, TENNESSEE:
PLANNING COMMISSION**

By: _____
Emily Hunter
Planning Director

By: _____
Mike Hathaway
Chair

Approved as to Form:

By: _____
Shauna Billingsley
City Attorney

NEIGHBORHOOD MEETING:

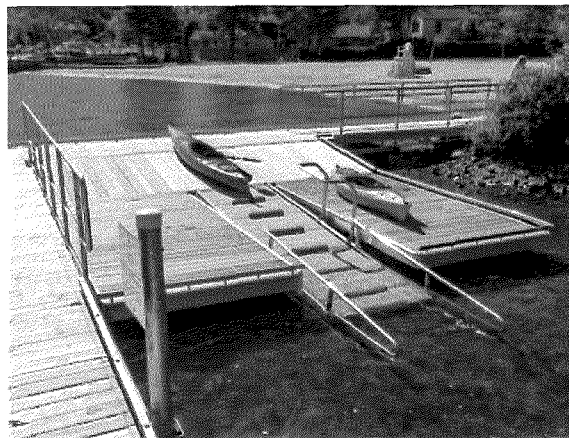
6/6/2017

PUBLIC HEARING:

6/22/2017

NEIGHBORHOOD MIXED-USE

<p>SPECIAL CONSIDERATIONS</p>	<p>First Avenue, East Main Street, Bridge Street Area along the Harpeth River</p>	<p>In 2017, the City and its consultant, Barge Waggoner Sumner & Cannon, Inc., conducted a Riverfront Planning Study to identify the community's vision for a Riverwalk and opinions about development. The results found broad support for a Riverwalk in a natural setting along the River and the majority did not support additional development within the floodplain.</p> <p>This area provides a unique opportunity to enhance the role of the Harpeth River in downtown Franklin. Open space along the River should be integrated into the downtown core, while also defining an on-site edge of the downtown core. Open space areas within the floodplain should be preserved and enhanced with a system of multi-use paths along the Harpeth River. These paths should provide connections to downtown uses and public parks, with periodic overlooks and access points to the River.</p> <p>The images below represent the community's desired amenities along the Riverwalk. These types of amenities are encouraged along the Riverwalk.</p>
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<p>First Avenue, East Main Street, Bridge Street Area along the Harpeth River</p>	<p>This area contains a significant amount of Harpeth River 100-year floodplain. The City generally requires locating new development outside of floodplain limits. Floodplain alteration can remove land from the floodplain to create buildable area, but doing so can result in unnatural landscape and removal of existing vegetation. In this historic downtown location, the City should allow additional use and development along the existing street network without compensatory cut-and-fill. Beyond that, the natural floodplain contours and native vegetation should be preserved to define an on-site edge of the downtown core. See Figure 4.4 for appropriate development limits.</p> <p>Redevelopment along existing streets provides flexibility to properties that originally developed prior to Federal and local floodplain regulations. For public safety purposes, uses within the 100-year floodplain should be limited to nonresidential uses that avoid potential for overnight stay. Additionally, all construction is expected to be raised above the Base Flood Elevation in accordance with City standards.</p> <p>This area has infill potential that can complete the block face on the east side of First Avenue South and the east side of East Main Street. Site design considerations should adhere to the following:</p> <ul style="list-style-type: none"> • Buildings should face both the street and the River with pedestrian gathering spaces on the path side. • The historic buildings on the west side of First Avenue South should be preserved. New buildings fronting the east side of First Avenue South, between Church Street and South Margin Street, should maintain the established single-family building character and rhythm of the opposing historic block face. Height should be sensitive to these historic buildings; therefore, a mix of predominantly one and one-half story and scattered two-story buildings is appropriate with approximately 15-foot front-yard setbacks. New buildings internal to the site may be up to three stories with transitional features. • New buildings up to three stories are appropriate north of Church Street and along East Main Street.
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NEIGHBORHOOD MIXED-USE

SPECIAL CONSIDERATIONS (CONT.)	First Avenue, East Main Street, Bridge Street Area along the Harpeth River	<ul style="list-style-type: none"> • A distinctive and unique feature of the skyline is the grain silos of the historic Lillie Belle Flour Company. Efforts should be made to repurpose this structure instead of removing it. These structures offer potential for truly scenic views of Central Franklin from what could become multifamily residential, offices, or even a specialty hotel, such as Quaker Square in Akron, Ohio. New-building architecture between Church and East Main Streets should pay homage to the industrial/agricultural history of the area. • Church Street should extend east into this area, connecting to an internal street/driveway network providing a system of north-south access parallel to First Avenue South. • Open spaces in the developable area will be limited to small greens or outdoor plaza spaces, highly accessible and visible and in a prominent location that encourages continued active use.
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NEIGHBORHOOD MIXED-USE

FIGURE 4.4: CONCEPTUAL PLAN - FIRST AVENUE, EAST MAIN STREET, BRIDGE STREET AREA ALONG HARPETH RIVER

